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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,635	.01/24/2001	Fred Rheinlander	TRM-DV2412-RE	1753

26812 7590 11/19/2002

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EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/768,635

Applicant(s)

RHEINLANDER ET AL.

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-106 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### **Acknowledgment**

1. The amendment filed October 29, 2002 has been entered and acknowledged.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the applicant fails to disclose a description of an *opening* comprising an edge. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "an opening comprising an edge" is unclear. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-11, 13-36, 38-45, 47-63, 65-93, 95-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki, et al (5,839,752) in view of Papandreou, et al (5,839,752).

Yamasaki, et al discloses a skin for an automotive interior panel including an air bag deployment portion comprising a main body skin portion 13 having a first plastic material, an air bag cover skin portion 14 having a second plastic material having the property of remaining substantially more ductile with decreasing temperature than the first plastic material, a bond 15 attaching the main body skin portion to the air bag cover skin portion, and an air bag deployment region disposed with the air bag cover skin portion which is adapted to open with the air bag deployment door in response to the force of an inflating air bag (See Col. 4, lines 1-20). With respect to the "glass transition temperature", the applicant's first plastic material is a drysol which is a proprietary formulation of a PVC and the second plastic material is a polyurethane compound as described in the specification on page 6, lines 32-47. Yamasaki, et al discloses the first plastic material as a polyvinyl which has the same properties as drysol and the second plastic material as a olefin thermoplastic elastomer which has same properties of polyurethane, therefore the second plastic material comprises a glass transition temperature lower than a glass transition temperature of the first plastic material. As shown in Figure 1, a portion of the bond is a tear seam 16 wherein the tear seam defines a groove in the back side of the air bag cover skin portion. The air bag cover skin portion includes an integral tear seam strip 18, as shown in Figure 1. As shown in Figure 2, the main body skin portion comprises an opening d having an edge. *Regarding*

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*claims 88, 95, 102 and 105*, Yamasaki, et al teaches the method of forming a skin for an automotive panel.

Yamasaki, et al teaches the claimed invention except for the an edge portion. Papandreou, et al teaches a vehicle having an instrument panel comprising a main body skin portion comprising an edge 22 wherein the airbag cover skin portion is connected at the edge, as shown in Figure 1a. Based on the teachings of Papandreou, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover of Yamasaki, et al to include an edge to facilitate the deployment of the airbag.

*Regarding claims 4-11, 54 and 56-63*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the bond of the combination of Yamasaki, et al and Papandreou, et al include the materials as claimed by the applicant to provide reliable adhesive properties, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*Regarding claims 16-22 and 68-74*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the tear seam strip of the combination of Yamasaki, et al and Papandreou, et al include the materials as claimed by the applicant to provide durability for the tear seam, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*Regarding claims 23-27 and 75-79*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first plastic material of the

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combination of Yamasaki, et al and Papandreou, et al include the materials as claimed by the applicant to provide additional strength for the main body, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*Regarding claims 28-34 and 80-86*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second plastic material of the combination of Yamasaki, et al and Papandreou, et al include the materials as claimed by the applicant to provide additional flexibility for deployment of the air bag, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*Regarding claims 35, 51, 87 and 106*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a coat of paint cover the outer surface of both the skin portions and the bond and the tear seam of the combination of Yamasaki, et al and Papandreou, et al to provide a decorative look, since adding a coat of paint would not change the function of the device.

*Regarding claims 36, 38-45, 47-50, 89-93, 96-101, 103 and 104*, a method of forming the main body skin portion of an automotive interior panel by casting a first plastic material against a first surface area of a heated shell tool to form a first plastic skin casting to the desired shape, forming the air bag body skin portion of an automotive interior panel by casting a second plastic material against a second surface area of a heated shell tool bounded by a first surface area to form a second plastic skin casting to the desired shape, forming a bond, spraying a plastic, scoring, pressing, melt fusing, and

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using a laser beam would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that the method of forming the device is not germane to the issue of patentability of the device itself, nevertheless, i.e. casting, spraying, scoring, pressing, melt fusing and using a laser beam is conventional and well known in the art.

7. Claims 12, 37, 46, 64 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki, et al ('752) in view of Papandreou, et al and further in view of Gray, et al ('935).

Yamasaki, et al in view Papandreou, et al of discloses the claimed invention except for an overlap of the first plastic material and the second plastic material. Gray, et al teaches an overlap of the first plastic material and the second plastic material, as shown in Figures 4-8. Based on the teachings of Gray, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first plastic material and the second plastic material of the combination of Yamasaki, et al and Papandreou, et al overlap to provide an additional bonding agent for the air bag deployment portion of the automotive interior panel.

*Regarding claims 37, 46 and 94*, as mentioned above the method of casting and melt fusing the overlap would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that the method of forming the device is not germane to the issue of patentability of the device itself, nevertheless, i.e. casting and melt fusing is conventional and well known in the art.

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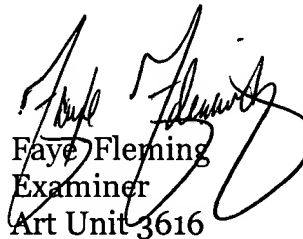
***Response to Arguments***


8. Applicant's arguments with respect to claims 1-106 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Faye Fleming  
Examiner  
Art Unit 3616  
11/13/02

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
11/14/02